

2:02 pm, Feb 26, 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE CEMENT MASONS'
LOCAL 780 FRINGE BENEFIT FUNDS,

Plaintiffs,

ADOPTION ORDER
16-cv-3751 (ADS) (SIL)

-against-

J.M.R. CONCRETE CORP.,

Defendant.
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APPEARANCES:

Proskauer Rose LLP

Attorney for the Plaintiff

Eleven Times Square

New York, NY 10036

By: Allison Lynn Martin, Esq.
Anthony S. Cacace, Esq., Of Counsel

NO APPEARANCES:

J.M.R. Concrete Corp.

The Defendant

SPATT, District Judge:

On July 6, 2016, the Plaintiff Trustees of the Cement Masons' Local 780 Fringe Benefit Funds (the "Plaintiffs") commenced this action against the Defendant J.M.R. Concrete Corp. (the "Defendant") pursuant to Sections 502(a)(3) and 515 of the Employee Retirement Income Security Act, as amended 29 U.S.C. §§ 1132(a)(3), 1145 ("ERISA") and section 301 of the Labor Management Relations Act of 1947, 29 U.S.C. § 185 (the "Taft-Hartley Act") for breach of contract.

On December 8, 2016, the Clerk of the Court noted the default of the Defendant. On March 20, 2017, the Plaintiffs moved for a default judgment against the Defendant. The Court

referred the Plaintiffs' motion to Magistrate Judge Steven I. Locke on March 21, 2017 for a report and recommendation.

On February 7, 2018, Judge Locke issued a report and recommendation (the "R&R"), recommending that the Plaintiffs' motion be granted, and that damages, attorneys' fees, and costs be awarded.

The Plaintiffs filed proof of service on February 7, 2018.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Clerk of the Court is respectfully directed to close the case, and enter judgment in favor of the Plaintiff in accordance with the R&R.

SO ORDERED.

Dated: Central Islip, New York

February 26, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge